

ORDINANCE NO. 13-08

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE V. ZONING DISTRICT REGULATIONS, DIVISION 22. M-1 INDUSTRIAL DISTRICT, OF THE CODE OF ORDINANCES AND IN PARTICULAR, ADDING A NEW SECTION HIALEAH CODE § 98-1373 ENTITLED "MINIMUM SQUARE FOOTAGE OF BUILDING" TO PROVIDE THAT ANY BUILDING ON THE PREMISES SHALL HAVE NO LESS THAN 1,000 SQUARE FEET OF TOTAL FLOOR AREA, INCLUDING INDOOR BATHROOM FACILITIES; AND MISCELLANEOUS REVISION AND RENUMBERING; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of January 9, 2013 recommended approval of this ordinance; and

WHEREAS, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

WHEREAS, the specific intent and purpose of this ordinance is to codify a minimum square footage for total floor area for buildings constructed within the M-1 Industrial District, which follows a long-standing regulation of the Planning Division.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, Division 22. M-1 Industrial District, of the Code of Ordinances of the City of Hialeah, Florida is hereby amended, by adding a new section, Hialeah Code § 98-1373

entitled "Minimum square footage of building", to read as follows:

Chapter 98

ZONING

* * *

ARTICLE V. ZONING DISTRICT REGULATIONS

* * *

DIVISION 22. M-1 INDUSTRIAL DISTRICT

* * *

Sec. 98-1373. Minimum square footage of building.

In the M-1 industrial district, there shall be a minimum square footage of 1,000 square feet of total floor area for any building, including indoor bathroom facilities, located within the property.

Sec. 98-13734. Type of construction.

In the M-1 industrial district, all buildings shall be constructed of materials according to the South Florida Building Code.

Sec. 98-13745. Maximum height.

* * *

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

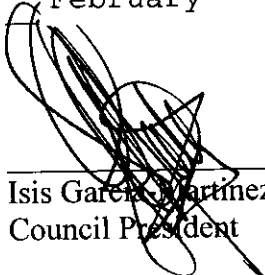
Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

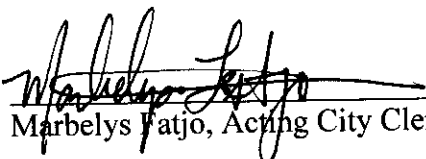
PASSED AND ADOPTED this 12 day of February, 2013.

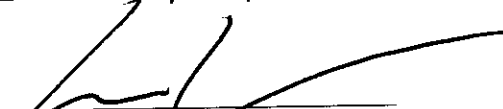
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLC 218.30 STATUTE 166.041
PRIOR TO FINAL READING.


Isis Garcia Martinez
Council President


Attest:

Approved on this 15 day of Feb, 2013.


Marbelys Fatjo, Acting City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers,
Casals-Munoz, Cue-Fuente, Garcia-Martinez, Gonzalez,
Hernandez and Lozano voting "Yes", Councilmember
Caragol absent.